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AMENDMENTS TO LB 444

1                   1. Strike the original sections and insert the following  
2 new sections:

3                   "Section 1. Section 18-2515, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5                   18-2515. (1) Each petition presented for signature must  
6 be identical to the petition authorized for circulation by the city  
7 clerk pursuant to section 18-2512.

8                   (2) Every petition shall contain the name and place of  
9 residence of not more than three persons as chief petitioners or  
10 sponsors of the measure. The chief petitioners or sponsors shall  
11 be qualified electors of the municipal subdivision potentially  
12 affected by the initiative or referendum proposal.

13                   (3) Every petition shall contain the caption and the  
14 statement specified in subdivisions (1)(a) and (1)(c) of section  
15 18-2513.

16                   (4) When a special election is being requested, such fact  
17 shall be stated on every petition.

18                   ~~(5) Only qualified electors shall circulate petitions.~~

19                   Sec. 2. Section 31-787, Revised Statutes Supplement,  
20 2002, is amended to read:

21                   31-787. (1) A trustee of a sanitary and improvement  
22 district may be removed from office by recall pursuant to sections  
23 31-786 to 31-793. A petition demanding that the question of  
24 removing a trustee be submitted to the qualified resident voters or

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1 qualified property owning voters that elected such trustee shall be  
2 signed by qualified resident voters or qualified property owning  
3 voters, as the case may be, who represent at least thirty-five  
4 percent of the number of votes cast for the trustee who received  
5 the most votes in the last district election pursuant to section  
6 31-735 and who was elected by the same voters as the trustee whose  
7 recall is being sought. The signatures shall be affixed to petition  
8 papers and shall be considered part of the petition.

9 (2) ~~Each circulator of a recall petition shall be a~~  
10 ~~qualified resident voter of the district on the date of the~~  
11 ~~issuance of the initial petition papers if the trustee whose recall~~  
12 ~~is being sought was elected solely by qualified resident voters.~~  
13 ~~Each circulator of a recall petition may be a qualified resident~~  
14 ~~voter or qualified property owning voter on the date of the~~  
15 ~~issuance of the initial petition papers if the trustee whose recall~~  
16 ~~is being sought was elected by other qualified resident voters and~~  
17 ~~qualified property owning voters.~~

18 ~~(3)~~ The petition papers shall be procured from the filing  
19 clerk. Prior to the issuance of such petition papers, an affidavit  
20 shall be signed and filed with the filing clerk by at least one  
21 voter qualified as provided in subsection (2) of this section to  
22 circulate a petition regarding the recall of the subject trustee  
23 qualified resident voter of the district, if the trustee whose  
24 recall is being sought was elected solely by qualified resident  
25 voters, or at least one qualified resident voter or qualified  
26 property owning voter, if the trustee whose recall is being sought  
27 was elected by other qualified resident voters and qualified

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1 property owning voters. Such voter or voters shall be deemed to be  
2 the principal circulator or circulators of the recall petition.  
3 The affidavit shall state the name of the trustee sought to be  
4 removed and whether qualified property owning voters participated  
5 in the election of the trustee and shall request that the filing  
6 clerk issue initial petition papers to the principal circulator for  
7 circulation. The filing clerk shall notify the principal  
8 circulator or circulators that the necessary signatures must be  
9 gathered within thirty days after the date of issuing the  
10 petitions.

11 ~~(4)~~ (3) The filing clerk, upon issuing the initial  
12 petition papers or any subsequent petition papers, shall enter in a  
13 record, to be kept in his or her office, the name of the principal  
14 circulator or circulators to whom the papers were issued, the date  
15 of issuance, the number of papers issued, and whether qualified  
16 property owning voters may participate in signing the petitions.  
17 The filing clerk shall certify on the papers the name of the  
18 principal circulator or circulators to whom the papers were issued,  
19 the date they were issued, and whether qualified property owning  
20 voters may participate in signing the petitions. No petition paper  
21 shall be accepted as part of the petition unless it bears such  
22 certificate. The principal circulator or circulators who check out  
23 petitions from the filing clerk may distribute such petitions to  
24 ~~qualified voters of the district~~ persons who may act as circulators  
25 of such petitions.

26 ~~(5)~~ (4) Each signer of a recall petition shall be (a)  
27 qualified to vote in a district election ~~on the date of the~~

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1 ~~issuance of the initial petition papers~~ and (b) a qualified  
2 resident voter if the trustee whose recall is being sought was  
3 elected solely by qualified resident voters.

4           Sec. 3.   Section 31-788, Revised Statutes Supplement,  
5 2002, is amended to read:

6           31-788.   (1) The Secretary of State shall design the  
7 uniform petition papers to be distributed by all filing clerks for  
8 use in the recall of trustees of sanitary and improvement districts  
9 and shall keep a sufficient number of such blank petition papers on  
10 file for distribution to any filing clerk requesting recall  
11 petitions.

12           (2) Each petition paper presented to a qualified voter  
13 for his or her signature shall clearly indicate at the top (a)  
14 whether the trustee whose recall is being sought was elected solely  
15 by qualified resident voters, (b) whether the signatories must be  
16 qualified resident voters or may include qualified property owning  
17 voters, (c) that the signatories must support the holding of a  
18 recall election for the trustee, (d) the name of the individual  
19 sought to be recalled, and (e) a general statement of the reason or  
20 reasons for which recall is sought.

21           (3) Each petition paper shall contain a statement  
22 entitled Instructions to Petition Circulators prepared by the  
23 Secretary of State to assist circulators in understanding the  
24 provisions governing the petition process established by sections  
25 31-786 to 31-793. The instructions shall include the following  
26 ~~statements~~ statement:

27           ~~(a) No one shall circulate this petition paper in an~~

1 ~~attempt to gather signatures unless he or she would be qualified on~~  
2 ~~the date of the issuance of the initial petition papers to vote as~~  
3 ~~provided in section 31-735 for the election of the trustee of the~~  
4 ~~sanitary and improvement district whose recall is being sought.~~

5 ~~(b)~~ No one circulating this petition paper in an attempt  
6 to gather signatures shall sign the circulator's affidavit unless  
7 each person who signed the petition paper did so in the presence of  
8 the circulator.

9 Sec. 4. Section 32-554, Revised Statutes Supplement,  
10 2002, is amended to read:

11 32-554. (1) (a) Any city not under a home rule charter,  
12 village, county, or school district nominating and electing members  
13 to its governing board at large may at a general election submit  
14 the question of nominating and electing members to its governing  
15 board by district or ward.

16 (b) Any city not under a home rule charter, village,  
17 county having not more than three hundred thousand inhabitants, or  
18 school district nominating and electing members to its governing  
19 board by district or ward may at a general election submit the  
20 question of nominating and electing members to its governing board  
21 at large.

22 (c) Any city of the first class, except a city having  
23 adopted the commissioner or city manager plan of government,  
24 nominating and electing members to its governing body by ward may  
25 at a general election submit the question of nominating and  
26 electing some of the members to its governing body by ward and some  
27 at large either by ordinance by a vote of a majority of the members

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1 of the governing body or by petition of the registered voters of  
2 the city. No more than three members of the city council may be  
3 elected on an at-large basis, and at least four members of the city  
4 council shall be elected by ward. The ordinance or petition shall  
5 specify the number of at-large members to be elected. At the first  
6 election in which one or more at-large members are to be elected to  
7 the city council, the members shall be elected to serve for initial  
8 terms of office of the following lengths:

9 (i) If one at-large member is to be elected, he or she  
10 shall serve for a four-year term;

11 (ii) If two at-large members are to be elected, the  
12 candidate receiving the highest number of votes shall be elected to  
13 serve for a four-year term and the other elected member shall be  
14 elected to serve for a two-year term; and

15 (iii) If three at-large members are to be elected, the  
16 two candidates receiving the highest number of votes shall be  
17 elected to serve for four-year terms and the other elected member  
18 shall be elected to serve for a two-year term. Following the  
19 initial term of office, all at-large council members shall be  
20 elected to serve for four-year terms. No candidate may file as  
21 both an at-large candidate and a candidate by ward at the same  
22 election.

23 (2) Petitions for submission of the question shall be  
24 ~~prepared, circulated, and~~ signed by registered voters of the city,  
25 village, county, or school district desiring to change the  
26 procedures for electing the governing board of the city, village,  
27 county, or school district. The petition or petitions shall be

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1 signed by registered voters equal in number to twenty-five percent  
2 of the votes cast for the person receiving the highest number of  
3 votes in the city, village, county, or school district at the  
4 preceding general election for electing the last member or members  
5 to its governing board. Each sheet of the petition shall have  
6 printed the full and correct copy of the question as it will appear  
7 on the official ballot. The petitions shall be filed with the  
8 county clerk or election commissioner not less than seventy days  
9 prior to the date of the general election, and no signatures shall  
10 be added or removed from the petitions after they have been so  
11 filed. Petitions shall be verified as provided in section 32-631.  
12 If the petition or petitions are found to contain the required  
13 number of valid signatures, the county clerk or election  
14 commissioner shall place the question on a separate ballot to be  
15 issued to the registered voters of the city, village, county, or  
16 school district entitled to vote on the question.

17 (3) (a) Any city, village, county, or school district  
18 voting to change from nominating and electing the members of its  
19 governing board by district or ward to nominating and electing some  
20 or all of such members at large shall notify the public and  
21 instruct the filing officer to accept the appropriate filings on an  
22 at-large basis. Candidates to be elected at large shall be  
23 nominated and elected on an at-large basis at the next primary and  
24 general election following submission of the question.

25 (b) Any city, village, county, or school district voting  
26 to change from nominating and electing the members of its governing  
27 board at large to nominating and electing by district or ward shall

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1 notify the public and instruct the filing officer to accept all  
2 filings by district or ward. Candidates shall be nominated and  
3 elected by district or ward at the next primary and general  
4 election following submission of the question. When district or  
5 ward elections have been approved by the majority of the  
6 electorate, the governing board of any city, village, county, or  
7 school district approving such question shall establish districts  
8 substantially equal in population as determined by the most recent  
9 federal decennial census except as provided in subsection (2) of  
10 section 32-553.

11 (4) Except as provided in section 14-201, each city not  
12 under a home rule charter, village, county, and school district  
13 which votes to nominate and elect members to its governing board by  
14 district or ward shall establish districts or wards so that the  
15 members of its governing board may be nominated and elected from  
16 districts or wards bearing odd numbers at one election and from  
17 districts or wards bearing even numbers at the following election.  
18 Districts or wards shall be created not later than October 1 in the  
19 year following the general election at which the question was voted  
20 upon. If the governing board fails to draw district boundaries by  
21 October 1, the procedures set forth in section 32-555 shall be  
22 followed.

23 Sec. 5. Section 32-628, Revised Statutes Supplement,  
24 2002, is amended to read:

25 32-628. (1) All petitions prepared or filed pursuant to  
26 the Election Act or any petition which requires the election  
27 commissioner or county clerk to verify signatures by utilizing the



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1 voter registration register shall provide a space at least two and  
2 one-half inches long for written signatures, a space at least two  
3 inches long for printed names, and sufficient space for date of  
4 birth and street name and number, city or village, and zip code.  
5 Lines on each petition shall not be less than one-fourth inch  
6 apart. Petitions may be designed in such a manner that lines for  
7 signatures and other information run the length of the page rather  
8 than the width. Petitions shall provide for no more than twenty  
9 signatures per page.

10 (2) For the purpose of preventing fraud, deception, and  
11 misrepresentation, every sheet of every petition containing  
12 signatures shall have upon it, above the signatures, the statements  
13 contained in this subsection, except that a petition for recall of  
14 an elected official shall also have the additional information  
15 specified in subsection (2) of section 32-1304. The statements  
16 shall be printed in boldface type in substantially the following  
17 form:

18 WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE  
19 FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL  
20 CHARGES: Any person who signs any name other than his or her own  
21 to any petition or who is not, at the time of signing or  
22 circulating the petition, a registered voter and qualified to sign  
23 or circulate the petition except as provided for initiative and  
24 referendum petitions shall be guilty of a Class I misdemeanor. Any  
25 person who falsely swears to a circulator's affidavit on a  
26 petition, who accepts money or other things of value for signing a  
27 petition, or who offers money or other things of value in exchange

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1 for a signature upon any petition shall be guilty of a Class IV  
2 felony.

3 (3) Every sheet of a petition which contains signatures  
4 shall have upon it, below the signatures, an affidavit as provided  
5 in this subsection, except that the affidavit for a petition for  
6 recall of an elected official shall also include the additional  
7 language specified in subsection (3) of section 32-1304. The  
8 affidavit shall be in substantially the following form:

9 STATE OF NEBRASKA )

10 ) ss.

11 COUNTY OF ..... )

12 ....., (name of circulator) being first duly  
13 sworn, deposes and says that he or she is the circulator of this  
14 petition containing ..... signatures, ~~that he or she is a~~  
15 ~~registered voter of the State of Nebraska,~~ that each person whose  
16 name appears on the petition personally signed the petition in the  
17 presence of the affiant, that the date to the left of each  
18 signature is the correct date on which the signature was affixed to  
19 the petition and that the date was personally affixed by the person  
20 signing such petition, that the affiant believes that each signer  
21 has written his or her name, street and number or voting precinct,  
22 and city, village, or post office address correctly, that the  
23 affiant believes that each signer was qualified to sign the  
24 petition, and that the affiant stated to each signer the object of  
25 the petition as printed on the petition before he or she affixed  
26 his or her signature to the petition.

27 .....

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Circulator

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Address

Subscribed and sworn to before me, a notary public, this  
..... day of ..... 20.... at ....., Nebraska.

.....

Notary Public

(4) Each sheet of a petition shall have upon its face and  
in plain view of persons who sign the petition a statement in  
letters not smaller than sixteen-point type in red print on the  
petition. If the petition is circulated by a paid circulator, the  
statement shall be as follows: This petition is circulated by a  
paid circulator. If the petition is circulated by a circulator who  
is not being paid, the statement shall be as follows: This petition  
is circulated by a volunteer circulator.

Sec. 6. Section 32-629, Reissue Revised Statutes of  
Nebraska, is amended to read:

32-629. Only Except as otherwise provided in section  
32-1404 for initiative and referendum petitions, only a registered  
voter of the State of Nebraska shall qualify as a valid signer ~~or~~  
~~circulator~~ of a petition and may sign ~~or circulate~~ petitions under  
the Election Act. ~~except that any person who is or will be a~~  
~~registered voter in the State of Nebraska on or before the date on~~  
~~which the petition is required to be filed with the Secretary of~~  
~~State may sign an initiative or referendum petition.~~

Sec. 7. Section 32-630, Reissue Revised Statutes of  
Nebraska, is amended to read:

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1                   32-630.     (1) Each person who signs a petition shall, at  
2     the time of and in addition to signing, personally affix the date,  
3     print his or her last name and first name in full, and affix his or  
4     her date of birth and address, including the street and number or a  
5     designation of a rural route or voting precinct and the city or  
6     village or a post office address. A person signing a petition may  
7     use his or her initials in place of his or her first name if such  
8     person is registered to vote under such initials. No signer shall  
9     use ditto marks as a means of personally affixing the date or  
10    address to any petition. A wife shall not use her husband's first  
11    name when she signs a petition but shall personally affix her first  
12    name and her last name by marriage or her surname. Any signature  
13    using ditto marks as a means of personally affixing the date or  
14    address of any petition or any signature using a spouse's first  
15    name instead of his or her own shall be invalid.

16                   (2) Each circulator of a petition shall personally  
17    witness the signatures on the petition and shall sign the  
18    circulator's affidavit.

19                   (3) No person shall:

20                   (a) Sign any name other than his or her own to any  
21    petition;

22                   (b) Knowingly sign his or her name more than once for the  
23    same petition effort or measure;

24                   (c) Sign ~~or circulate~~ a petition if he or she is not a  
25    registered voter and qualified to sign ~~or circulate~~ the same except  
26    as provided in section ~~32-629~~ 32-1404;

27                   (d) Falsely swear to any signature upon any such

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1 petition;

2 (e) Accept money or other thing of value for signing any  
3 petition; or

4 (f) Offer money or other thing of value in exchange for a  
5 signature upon any petition.

6 Sec. 8. Section 32-631, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 32-631. (1) All petitions that are presented to the  
9 election commissioner or county clerk for signature verification  
10 shall be retained in the election office and shall be open to  
11 public inspection. Upon receipt of the pages of a petition, the  
12 election commissioner or county clerk shall issue a written receipt  
13 indicating the number of pages of the petition in his or her  
14 custody to the person presenting the petition for signature  
15 verification. Petitions may be destroyed twenty-two months after  
16 the election to which they apply.

17 (2) The election commissioner or county clerk shall  
18 determine the validity and sufficiency of such petition by  
19 comparing the names, dates of birth if applicable, and addresses of  
20 the signers ~~and circulators~~ with the voter registration records to  
21 determine if the signers ~~and circulators~~ were registered voters on  
22 the date of signing the petition. If it is determined that a  
23 signer has affixed his or her signature more than once to any  
24 petition and that only one person is registered by that name, the  
25 election commissioner or county clerk shall strike from the pages  
26 of the petition all but one such signature. Only one of the  
27 duplicate signatures shall be added to the total number of valid

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1 signatures. All signatures, dates of birth, and addresses shall be  
2 presumed to be valid if the election commissioner or county clerk  
3 has found the signers to be registered voters on or before the date  
4 on which the petition was signed. This presumption shall not be  
5 conclusive and may be rebutted by any credible evidence which the  
6 election commissioner or county clerk finds sufficient.

7 (3) If the election commissioner or county clerk verifies  
8 signatures in excess of one hundred ten percent of the number  
9 necessary for the issue to be placed on the ballot, the election  
10 commissioner or county clerk may cease verifying signatures and  
11 certify the number of signatures verified to the person who  
12 delivered the petitions for verification.

13 (4) If the number of signatures verified does not equal  
14 or exceed the number necessary to place the issue on the ballot  
15 upon completion of the comparison of names and addresses with the  
16 voter registration records, the election commissioner or county  
17 clerk shall prepare in writing a certification under seal setting  
18 forth the name and address of each signer ~~or circulator~~ found not  
19 to be a registered voter and the petition page number and line  
20 number where the signature is found. If the signature or address  
21 is challenged for a reason other than the nonregistration of the  
22 signer, the election commissioner or county clerk shall set forth  
23 the reasons for the challenge of the signature.

24 Sec. 9. Section 32-1301, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 32-1301. For purposes of sections 32-1301 to 32-1309,  
27 filing clerk shall mean ~~(1)~~ the election commissioner or county

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1 clerk for recall of elected officers of cities, villages, ~~of the~~  
2 ~~metropolitan and primary classes~~, counties, irrigation districts,  
3 natural resources districts, public power districts, school  
4 districts, community college areas, educational service units,  
5 hospital districts, and metropolitan utilities districts. and (2)  
6 ~~the city or village clerk for recall of officers of all~~  
7 ~~municipalities other than cities of the metropolitan or primary~~  
8 ~~class.~~

9           Sec. 10. Section 32-1303, Revised Statutes Supplement,  
10 2002, is amended to read:

11           32-1303. (1) A petition demanding that the question of  
12 removing an elected official or member of a governing body listed  
13 in section 32-1302 be submitted to the registered voters shall be  
14 signed by registered voters equal in number to at least thirty-five  
15 percent of the total vote cast for that office in the last general  
16 election, except that (a) for an office for which more than one  
17 candidate is chosen, the petition shall be signed by registered  
18 voters equal in number to at least thirty-five percent of the  
19 number of votes cast for the person receiving the most votes for  
20 such office in the last general election, (b) for a member of a  
21 board of a Class I school district, the petition shall be signed by  
22 registered voters of the school district equal in number to at  
23 least twenty-five percent of the total number of registered voters  
24 residing in the district on the date that the recall petitions are  
25 first checked out from the filing clerk by the principal  
26 circulator, and (c) for a member of a governing body of a village,  
27 the petition shall be signed by registered voters equal in number

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1 to at least forty-five percent of the total vote cast for the  
2 person receiving the most votes for that office in the last general  
3 election. The signatures shall be affixed to petition papers and  
4 shall be considered part of the petition.

5 (2) Petition circulators shall conform to the  
6 requirements of ~~sections 32-629 and~~ section 32-630. ~~Each~~  
7 ~~circulator of a recall petition shall be a registered voter and~~  
8 ~~qualified by his or her place of residence to vote for the office~~  
9 ~~in question on the date of the issuance of the initial petition~~  
10 ~~papers.~~

11 (3) The petition papers shall be procured from the filing  
12 clerk. Prior to the issuance of such petition papers, an affidavit  
13 shall be signed and filed with the filing clerk by at least one  
14 registered voter. Such voter or voters shall be deemed to be the  
15 principal circulator or circulators of the recall petition. The  
16 affidavit shall state the name and office of the official sought to  
17 be removed, shall include in typewritten form in concise language  
18 of sixty words or less the reason or reasons for which recall is  
19 sought, and shall request that the filing clerk issue initial  
20 petition papers to the principal circulator for circulation. The  
21 filing clerk shall deliver a copy of the affidavit by certified  
22 mail to the official sought to be removed. If the official  
23 chooses, he or she may submit a defense statement in typewritten  
24 form in concise language of sixty words or less for inclusion on  
25 the petition. Any such defense statement shall be submitted to the  
26 filing clerk within twenty days after the official receives the  
27 copy of the affidavit. The filing clerk shall notify the principal



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1 circulator or circulators that the necessary signatures must be  
2 gathered within thirty days from the date of issuing the petitions.

3 (4) The filing clerk, upon issuing the initial petition  
4 papers or any subsequent petition papers, shall enter in a record,  
5 to be kept in his or her office, the name of the principal  
6 circulator or circulators to whom the papers were issued, the date  
7 of issuance, and the number of papers issued. The filing clerk  
8 shall certify on the papers the name of the principal circulator or  
9 circulators to whom the papers were issued and the date they were  
10 issued. No petition paper shall be accepted as part of the  
11 petition unless it bears such certificate. The principal  
12 circulator or circulators who check out petitions from the filing  
13 clerk may distribute such petitions to ~~registered voters residing~~  
14 ~~in the district~~ persons who may act as circulators of such  
15 petitions.

16 (5) Petition signers shall conform to the requirements of  
17 sections 32-629 and 32-630. Each signer of a recall petition shall  
18 be a registered voter and qualified by his or her place of  
19 residence to vote for the office in question. ~~on the date of the~~  
20 ~~issuance of the initial petition papers.~~

21 Sec. 11. Section 32-1304, Revised Statutes Supplement,  
22 2002, is amended to read:

23 32-1304. (1) The Secretary of State shall design the  
24 uniform petition papers to be distributed by all filing clerks and  
25 shall keep a sufficient number of such blank petition papers on  
26 file for distribution to any filing clerk requesting recall  
27 petitions. The petition papers shall as nearly as possible conform

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1 to the requirements of section 32-628.

2           (2) In addition to the requirements specified in section  
3 32-628, for the purpose of preventing fraud, deception, and  
4 misrepresentation, every sheet of each petition paper presented to  
5 a registered voter for his or her signature shall have upon it,  
6 above the lines for signatures, (a) a statement that the  
7 signatories must be registered voters qualified by residence to  
8 vote for the office in question and support the holding of a recall  
9 election and (b) in letters not smaller than sixteen-point type in  
10 red print (i) the name and office of the individual sought to be  
11 recalled, (ii) the reason or reasons for which recall is sought,  
12 (iii) the defense statement, if any, submitted by the official, and  
13 (iv) the name of the principal circulator or circulators of the  
14 recall petition. The decision of a county attorney to prosecute or  
15 not to prosecute any individual shall not be stated on a petition  
16 as a reason for recall.

17           (3) Every sheet of each petition paper presented to a  
18 registered voter for his or her signature shall have upon it, below  
19 the lines for signatures, an affidavit as required in subsection  
20 (3) of section 32-628 which also includes language substantially as  
21 follows: "and that the affiant stated to each signer, before the  
22 signer affixed his or her signature to the petition, the following:  
23 (a) The name and office of the individual sought to be recalled,  
24 (b) the reason or reasons for which recall is sought as printed on  
25 the petition, (c) the defense statement, if any, submitted by the  
26 official as printed on the petition, and (d) the name of the  
27 principal circulator or circulators of the recall petition."

1                   (4) Each petition paper shall contain a statement  
2 entitled Instructions to Petition Circulators prepared by the  
3 Secretary of State to assist circulators in understanding the  
4 provisions governing the petition process established by sections  
5 32-1301 to 32-1309. The instructions shall include the following  
6 statements:

7                   (a) ~~No one shall circulate this petition paper in an~~  
8 ~~attempt to gather signatures unless he or she is registered to vote~~  
9 ~~and qualified by his or her place of residence to vote for the~~  
10 ~~office in question on the date of the issuance of the initial~~  
11 ~~petition papers.~~

12                   ~~(b)~~ No one circulating this petition paper in an attempt  
13 to gather signatures shall sign the circulator's affidavit unless  
14 each person who signed the petition paper did so in the presence of  
15 the circulator.

16                   ~~(e)~~ (b) No one circulating this petition paper in an  
17 attempt to gather signatures shall allow a person to sign the  
18 petition until the circulator has stated to the person (i) the  
19 object of the petition as printed on the petition, (ii) the name  
20 and office of the individual sought to be recalled, (iii) the  
21 reason or reasons for which recall is sought as printed on the  
22 petition, (iv) the defense statement, if any, submitted by the  
23 official as printed on the petition, and (v) the name of the  
24 principal circulator or circulators of the recall petition.

25                   Sec. 12. Section 32-1404, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27                   32-1404. ~~Signers and circulators of~~ A signer of an

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1 initiative and referendum ~~petitions~~ petition shall be a registered  
2 voter of the State of Nebraska on or before the date on which the  
3 petition is required to be filed with the Secretary of State and  
4 shall meet the requirements of sections 32-629 and section 32-630.  
5 ~~A registered voter who intends to circulate~~ person who circulates  
6 initiative and referendum petitions outside of his or her county of  
7 residence shall register with the Secretary of State on forms  
8 provided by the Secretary of State prior to circulating initiative  
9 and referendum petitions outside of his or her county of residence.  
10 ~~The Secretary of State shall make available to the counties a list~~  
11 ~~of registered circulators for each petition drive~~ need not be a  
12 registered voter but shall comply with requirements of subsection  
13 (2) of section 32-630 and with the prohibitions contained in  
14 subdivisions (3)(a), (d), and (f) of section 32-630.

15 Sec. 13. Section 32-1546, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 32-1546. (1) Any person who is not, at the time of  
18 signing ~~or circulating~~ a petition, a registered voter and qualified  
19 to sign ~~or circulate~~ the petition except as provided for initiative  
20 and referendum petitions, in section 32-1404 or who signs any name  
21 other than his or her own to any petition, or who willfully and  
22 knowingly circulates an initiative or referendum petition outside  
23 of his or her county of residence without registering with the  
24 Secretary of State shall be guilty of a Class I misdemeanor.

25 (2) Any person who falsely swears to a circulator's  
26 affidavit on a petition, who accepts money or other things of value  
27 for signing a petition, or who offers money or other things of

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1 value in exchange for a signature upon any petition shall be guilty  
2 of a Class IV felony.

3           Sec. 14.     Original sections 18-2515, 32-629, 32-630,  
4 32-631, 32-1301, 32-1404, and 32-1546, Reissue Revised Statutes of  
5 Nebraska, and sections 31-787, 31-788, 32-554, 32-628, 32-1303, and  
6 32-1304, Revised Statutes Supplement, 2002, are repealed.".